

REMARKS

Claims 1-20 are pending in this application. By this Amendment, claims 1, 2, 5, 6, 10, 11, 15, 19 and 20 are amended. No new matter is added. Support for the changes can be found, for example, on pgs 12-16 and Figs. 3A-6, particularly the first paragraph on pg. 16 and Figs. 5C and 6.

I. Claim 20 is Not Duplicative

The Office Action objects to claim 20 under 37 CFR §1.75 as allegedly being a substantial duplicate of claim 10. This objection is respectfully traversed.

It is alleged that claims 20 and 10 are duplicates or else are so close that they both cover the same thing despite a slight difference in wording, relying on 37 CFR §1.75 and MPEP §706.03(k). As discussed during the personal interview, Applicant respectfully disagrees.

As discussed during the October 27 personal interview, claims 20 and 10 do not cover the same subject matter as alleged. Claim 10 is directed to a color processing apparatus comprising: (1) a color adjustment distance calculation section; and (2) a reproduction color decision section. However, claim 20 is directed to a printer comprising a color processing device that includes: (1) a color adjustment distance calculation section; and (2) a reproduction color decision section. Thus, claim 20 recites an additional element (e.g., a printer) not recited in claim 10.

Claim 10 is directed to structure that processes color. There is no structure that explicitly describes or claims printing of the processed color. Although there is a reproduction color decision section, this section decides a reproduction color to use, but does not otherwise "print" the decided color. By contrast, claim 20 is directed to a printer which, in addition to including a color processing device that has a color adjustment distance calculating section and a reproduction color decision section, also further limits the claim by

reciting "printer" which must include by the known meaning of the word some structure in addition to processing capability that achieves this functionality of the ability to print. Thus, as discussed, although claim 10 may be a genus claim that broadly encompasses claim 20 because of the open-ended language, claim 20 further limits the subject matter of claim 10 by additionally reciting a "printer." Therefore, although similar, there is a difference in claim scope.

As acknowledged in MPEP §706.03(k), "court decisions have confirmed applicant's right to restate (i.e., by plural claiming) the invention in a reasonable number of ways. Indeed a mere difference in scope between claims has been held to be enough." In this case, claim 20 has a differing scope than claim 10 because it recites and thus requires the additional structure of a "printer."

Accordingly, claim 20 is not a duplicate of claim 10. Withdrawal of the objection is respectfully requested.

II. Pending Claims 1-20 Define Patentable Subject Matter

Claims 1, 8-10 and 17-20 are rejected under 35 U.S.C. §102(a) over U.S. Patent No. 6,917,704 (Kojima); claims 7 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kojima in view of U.S. Patent No. 6,575,096 (Caruthers); claims 2, 3, 6, 11, 12 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kojima in view of U.S. Patent No. 6,108,441 (Hiratsuka); claims 13 and 4 are rejected under 35 U.S.C. §103(a) over Kojima in view of Hiratsuka, and further in view of U.S. Patent Application Publication No. 2002/0090133 (Kim); and claims 5 and 14 are rejected under 35 U.S.C. §103(a) over Kojima in view of Hiratsuka and further in view of U.S. Patent Application Publication No. 2002/0044691 (Matsugu). These rejections are respectfully traversed.

A. Rejections of Independent Claims 1, 10, 19 and 20

Independent claim 1 is amended for further clarity to recite that "the reproduction color being located between the representative color and the target color, and the reproduction color having a reproduction distance, which is a distance between the representative color and the reproduction color, wherein the reproduction distance decreases with increase in the color adjustment distance when the color adjustment distance is larger than a certain value." This is shown, for example, in Applicant's Fig. 6 and described on the top of page 16 and achieves an improved color representation. Independent claims 10, 19 and 20 are similarly amended.

Kojima fails to teach or provide reasons for having a reproduction distance that "decreases with increase in the color adjustment distance when the color adjustment distance is larger than a certain value" as recited in independent claims 1, 10, 19 and 20. That is, the color adjustment in Kojima does not differ based on the distance (such as shown in Applicant's Fig. 6), but instead on the average of the pixels in each divided region. Thus, the reproduction color is not adjusted toward a target color, such as sky, so as to be between the representative color and the target color as claimed with the specific relationship claimed.

Accordingly, the independent claims 1, 10, 19 and 20 and claims dependent therefrom distinguish over Kojima. The various secondary references fail to overcome the deficiencies of Kojima.

B. Rejection of Independent Claim 11

Independent claim 11 is amended similar to that of claim 1 and recites that the reproduction distance "decreases with increase in the color adjustment distance when the color adjustment distance is larger than a certain value."

Kojima and Hiratsuka, alone or in combination, fail to disclose or suggest this feature.

The Office Action again concedes that Kojima fails to teach a reproduction distance. The Office Action alleges that Hiratsuka teaches a reproduction distance coefficient

calculation unit (Figs. 1 and 2) for calculating a reproduction distance coefficient (luminosity, chroma and hue parameters), which is used to calculate a reproduction color expressing the representative color of the specific region of the color adjustment (col. 11, lines 11-22; col. 13, lines 10-30), and reproduction color calculation unit for calculating the reproduction color on the basis of the reproduction distance coefficient (col. 11, lines 11-22; col. 13, lines 10-30).

However, the color distance calculation equations in col. 11, lines 11-22, and col. 13, lines 10-30 are to calculate a Euclidean distance between the interpolated color and the designated color on the color space to obtain the interpolated color (Abstract). Hiratsuka uses these distances to interpolate the color adjustment in a five-dimensional table and to calculate accurate level of a reference point (lattice point) (col. 10, line 64 to col. 11, line 3).

Therefore, the distance calculated by these equations is not used to obtain a reproduction distance coefficient, as recited in claim 11, which has the specified relationship.

Hiratsuka fails to appreciate the problems solved by the claim. Accordingly, independent claim 11 and claims dependent therefrom distinguish over Kojima alone or in view of Hiratsuka. The various secondary references fail to overcome these deficiencies.

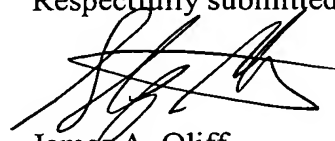
Accordingly, for at least the above reasons, independent claims 1, 10, 11, 19 and 20 are patentable over the applied references. Claims 2-9 and 12-18 depend from one of claims 1, 10, 11, 19 and 20, and therefore are also patentable over the applied references for at least the same reason as in these claims, as well as for the additional features they recite. For the foregoing reasons, withdrawal of the rejections is respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-20 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff

Registration No. 27,075

Stephen P. Catlin

Registration No. 36,101

JAO:SPC/add

Attachments:

Request for Continued Examination
Petition for Extension of Time

Date: December 1, 2008

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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